

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ANNIE J. CHAMBERS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:04cv15WJG-JMR

ANTHONY J. PRINCIPI, Secretary,
Department of Veterans Affairs

DEFENDANT

ORDER

THIS MATTER is before the Court on Plaintiff's motion to vacate this Court's order of dismissal for failure to prosecute entered November 22, 2005, (Ct. R., Doc. 18) and to reinstate this matter on the active docket of this Court.

The Plaintiff filed her complaint on January 9, 2004. (Ct. R., Doc 1.) Since the filing of Plaintiff's complaint, two show cause orders have been entered requiring Plaintiff's counsel to explain the delay in the prosecution of this matter. (Ct. R., Show Cause Orders, March 8, 2005, and August 24, 2005.) To date, almost two years from the filing of the complaint, no case management conference has been held.

Because the Court feels that a plaintiff should not be punished for the lack of interest and/or inattentiveness of her counsel in arduously pursuing the resolution of a suit filed on her behalf, the Court finds that its order of dismissal should be vacated and this matter should be reinstated on the active docket of this Court. The Court will, however, impose certain requirements of Plaintiff's counsel and certain restrictions in an effort to prevent any further delays from occurring in this matter. It is, therefore,

ORDERED that this Court's order [18] of dismissal be, and is hereby, vacated. It is

further,

ORDERED that the Clerk of Court shall reinstate this matter on the active docket of this Court. It is further,

ORDERED that Plaintiff's counsel shall contact the magistrate judge within five days of the date of entry of this order, or by no later than December 12, 2005, to schedule a case management conference. It is further,

ORDERED that once the case management conference is held, and the case management order setting forth a trial date and other deadlines is entered, no further requests for extensions on Plaintiff's behalf shall be entertained or granted for any reason. It is further,

ORDERED that the magistrate judge shall place this case on an expedited track for trial. It is further,

ORDERED that in an effort to avoid future communication problems with Plaintiff's counsel, and future mail delays in Plaintiff's counsel's receiving orders filed by this Court or any documents filed into the record, Plaintiff's counsel shall register for electronic filing within ten days of the date of entry of this Order, or by no later than December 19, 2005. It is further,

ORDERED that Plaintiff's counsel's will be granted no further leniency in this matter; any deadline missed by Plaintiff's counsel will result in the immediate dismissal of this matter without further notice to the Plaintiff or her counsel. It is further,

ORDERED that the failure of Plaintiff's counsel to comply with any facet of this Order shall result in the immediate dismissal of this cause.

SO ORDERED, this the 5th day of December, 2005.

/s/ **Walter J. Gex III**
UNITED STATES DISTRICT JUDGE